

# UNITED STATES DISTRICT COURT

## SOUTHERN DISTRICT OF CALIFORNIA

FILED

UNITED STATES OF AMERICA,

Plaintiff,

v.

DUARTE-Celestino, Orlando

Defendant,

) Magistrate Docket No. **08 MJ 0284**

) Case No. \_\_\_\_\_

) COMPLAINT FOR VIOLATION OF: *PM*) Title 8 USC, Section 1304(e) DEPUTY

) Failure to Possess Alien Registration

) (Misdemeanor)

The undersigned complainant, being duly sworn, states:

On or about January 24, 2008, within the Southern District of California, Defendant Orlando DUARTE-Celestino, an alien, over the age of eighteen, did not carry with him and have in his personal possession, a certificate of alien registration, to wit: an alien registration receipt card, that was lawfully issued to him pursuant to subsection (d) of this section, a misdemeanor in violation of Title 8, United States Code, Section 1304(e).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

*Michael Haynes*  
 Special Agent Michael Haynes

U.S. Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 31<sup>st</sup> DAY OF JANUARY 2008.

*Barbara L. Major*  
 Hon. Barbara L. Major  
 U.S. Magistrate Judge

STATEMENT OF FACTS

Orlando DUARTE-Celestino came to the author's attention on or about January 28, 2008, via a law enforcement source. The author was informed that on the morning of January 24, 2008, officers of the San Diego Police Department encountered DUARTE within the city of San Diego. DUARTE voluntarily agreed to be interviewed by these officers and accompanied them to their office.

After being advised about his constitutional rights per "Miranda", DUARTE claimed that he had resided in the United States since he was sixteen years of age, and that he had a "green card". When asked where this "green card" was, DUARTE responded by claiming that it was stolen and cost too much to replace.

On January 28, 2008, the author reviewed records maintained by the U.S. Department of Homeland Security. These records indicate that DUARTE, a citizen of Mexico, had indeed been a lawfully admitted permanent resident of the United States since 1989. The author also determined that DUARTE remains a citizen of Mexico who is lawfully admitted to the United States for permanent residence and that an alien registration receipt card has been issued to him.